

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION
RECEIVED

DODERICK LEONARD MOORE,
ALS# 146853,

KATHU HOLT, ET AL.,
Defendants

2006 FEB -9 A 10:01

Civil Action 2:05-CV-
1203-MHT
[W07]

Objection

Come now the Plaintiff Doderick L. Moore (Pro-se) in the above style and cause moves to object in the findings of the Recommendation of the Magistrate Judge Susan R. Walker for good cause as reasons herein stated.

On or about 12/6/05 the Plaintiff brought on a civil complaint under a 1983 alleging that his constitutional right had been violated because the split sentence imposed upon him was served twice.

The Plaintiff contends that in March of 1995 the Circuit Court of Montg. Co. Ala. entered a conviction against him for escape and imposed a 15 year sentence split 2 years to serve.

That the mandatory 2 years term was served from March 9, 1995 until March 9, 1997, prior to

to being released on parole in Jan. of 1998.
On or about 5/13/98 the Plaintiff was rearrested on a new charge of receiving stolen property, 1 and declared delinquent. On 7-7-2003

the Plaintiff was granted parole again on the new sentence but was not released because the sentence of March 9 1995 for escape 15 split 2 yrs was being reinforced mandatorily. After completion of serving the 2 yrs split of the March 9 1995 sentence for escape again from 7-7-03 the plaintiff was released on parole once again.

The Plaintiff's objection to the recommendation of the magistrate judge is of good cause because the court construes that the Plaintiff's incarceration is improper because he being forced to serve the same time twice on the mandatory 15 split 2 yr.

The Plaintiff reiterates as before in his initial complaint that the basis for which this cause of action is brought is for damages incurred as a result of having been forced to serve twice a 2 yr portion of a 15 yr sentence that has been honored against his constitutional rights. The Plaintiff contends that the claim presented to this court does not go into the fundamental legality of his conviction but rather into the invalidation of time served twice that was only

MANDATORILY REQUIRED TO BE SERVED ONCE.
MORE SPECIFICALLY THIS HONORABLE COURT IS
ERROR OF INTERPRETING THE PLAINTIFFS COMPLAINT
AS BEING FORCED AS OPPOSED TO BEEN FORCED
ONCE IN MARCH OF 1995 UNTILL 1997 AND
AGAIN IN THE MONTH OF JULY OF 2003 UNTILL
MARCH 19, 2005 BEFORE FINALLY BEING RELEASED AGAIN.
THE PLAINTIFF DOES NOT CHALLENGE THE LEGALITY
OF HIS SENTENCE BUT RATHER ONLY THE VIOLATION OF
THE CONSTITUTION BY WHICH HE HAS BEEN FORCED
TO SERVE TWICE THE 2 YR PORTION OF HIS
MARCH 9, 1995 15 YRS. SPLIT 2 FOR ESCAPE
IMPOSED FROM THE CIRCUIT COURT OF MONTG. ALA.
THE AGAIN THE PLAINTIFF OBJECTION IS WITH
GOOD CAUSE AS THE CLAIM BROUGHT ON UNDER
1983 IS FOR THE SPLIT PORTION ONLY OF HIS
ESCAPE SENTENCE THAT HAS BEEN SERVED TWICE
ALREADY. PLEASE REVIEW INITIAL COMPLAINT
AND AMENDED COMPLAINT. 3.
THE PLAINTIFF OBJECTS TO THE STANDARDS OF
LAW ILLUSTRATED IN HECK V. HUMPHREY 512 U.S.
477 (1994) PARRISON V. RODRIGUEZ 411 U.S.
475, 500 (1973) AND EDWARDS V. BALISOK
520 U.S. 641, 646 (1997) AS HAVING NO FORCE
BY WHICH THE PLAINTIFF SOUGHTS TO GAIN RELIEF
IN HIS CLAIM BROUGHT ON IN HIS 1983 COMPLAINT.
THE PLAINTIFF CONTENDS THAT A 1983 IS THE
PROPER VEHICLE AND NOT A HABEAS CORPUS FOR

for which relief is to be remedied,
wherefore the plaintiff prays that the honorable court
will overrule the magistrate Judge Susan
Walker Recommendation and allow the plaintiff
to proceed in good faith with good cause.

Done this the 7th of Feb 2006

Respectfully Submitted

Roderick Moore

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